

REMARKS

Claims 1-19, 22, and 23 are pending in this application, with claims 1, 4, 19, 22, and 23 amended herein. No new matter is added by these amendments.

Initially, claim 6 is rejected under 35 U.S.C. § 112, second paragraph, as indefinite as the term "unicast" had no antecedent basis. It is submitted that the amendment to claim 4 herein addresses this rejection, accordingly, withdrawal of the rejection is requested.

In the office action, claims 1-19 22 and 23 are rejected under 35 USC 103(a) as unpatentable over U.S. Patent 6,934,759 to Hejna in view of U.S. Patent No. 7,254,138 to Sandstrom. Withdrawal of the rejection is requested in view of the foregoing amendments and the following remarks.

As amended, claim 1 recites a "reading unit to read out forward management information relating to a forwarding process of forward data from data of a second layer higher than the first layer". As best understood, the office action equates a work streamer 3200 of Hejna with the reading unit. But the relied upon portion of Hejna don't disclose the use of forward management information. Furthermore, the work streamer 3200 of Hejna receives data as input data from Storage Device 3100 of Hejna. The data are representations of an audio or audio-visual works or data of interest to a user, but don't have any information relating to forwarding process. Therefore, it is respectfully submitted that the reading unit of claim 1 patentably distinguishes over the the work streamer 3200 of Hejna.

Further, claim 1 also recites a "storage unit to store the forward management information read by said reading unit". As best understood, the office action equates storage device 3100 of Hejna with the storage unit. However, Hejna doesn't disclose the storage of forward management information but merely discloses a storage device 3100 storing the data

representation of an audio or audio-visual works or data of interest to a user. Accordingly, it is submitted that the storage device 3100 of Hejna is not the same as the storage unit of claim 1.

Claim 1 further recites a “data generating unit to identify one or more clients, each of which corresponds to a forward destination of the forward data, based on the forward management information stored in said storage unit, and to generate the same number of pieces of transmission data as the number of identified clients in order to transmit each piece of transmission data to each client corresponding to the forward destination, wherein each of the pieces of transmission data includes equivalent contents to the forward data.”

Thus, the data generating unit generates transmission data, which includes the forward destination corresponding to each client, from the forward data. In contrast Hejna teaches, a multicaster 3300 that receives data as input data(the data representation of an audio or audio-visual works or data of interest to a user)from storage device 3100 via work streamer 3200, and then transmits the data by multicast to all clients in the client list(paragraph 600 of Hejna etc). Accordingly, it is submitted that the multicaster 3300 of Hejna is not the same as the generating unit of claim 1.

In view of the foregoing, it is submitted that the relied upon portions of Hejana do not teach or suggest the reading unit, storage unit, or data generating unit recited in claim 1. Moreover, it is submitted that the relied upon portions of Sandstorm also does not teach or suggest these elements.

As amended, claim 4 recites a “data generating unit” generating the copy data of the received multicast data, and transforming the copy data(of the multicast data) into unicast data to each client as forward destination. In contrast, Hejna sends the data included originally in

storage device 3100 to all clients in client list by multicast. It is submitted that the relied upon portions of Hejna do not teach or suggest transforming the multicast data to the unicast data. Further, while, as best understood, Sandstorm may disclose a method that forwarding packets without reference of a table to forward packet by adding new field to a packet header, as best understood Sandstorm doesn't teach transforming the multicast data to the unicast data, as recited in claim 4.

Accordingly, it is submitted that independent claims 1 and 4 patentably distinguish over the relied upon portions of the cited references and is allowable.

Independent claims 19, 22, and 23, recite similar features of claims 1 and 4 and are believed to be allowable for at least the same reasons. Claims 2-3 and 5-19 depend from one of these claims and are therefore allowable therewith.

With respect to the rejection of claims 6 and 12-16, it is respectfully submitted that the language within the wherein clauses are not "non-functional," but rather recite specific actions of elements of the claims and therefore must be fully considered for patentability purposes unlike what was done in the instant office action.

Next, as to claims 8-11, 17 and 18 the Examiner appears to be relying on inherency of certain features. It is respectfully submitted that the applicant is entitled to know and understand from a specific reference that which is alleged to be inherent. To the extent that such features cannot be found in the references currently relied upon by the Examiner, rather than relying on alleged inherency the Examiner is requested to provide a reference teaching that which is alleged to be inherent.

Conclusion

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

/Nathan Weber/
Nathan Weber
Reg. No. 50,958

CUSTOMER NUMBER 026304
Telephone: (212) 940-8564
Fax: (212) 940-8986 or 8987
Attorney Docket No.: FUJY 20.944 (100794-00552)